

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10
11 In the Matter of the Accusation Against:

Case No. **2010 - 396**

12 **BRIDGET LYNN TRACY**
245 Evening Canyon Road
13 Corona Del Mar, CA 92625

A C C U S A T I O N

14 Registered Nurse License No. RN 301574
15 Nurse Anesthetist License No. NA 675

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about March 31, 1979, the Board of Registered Nursing issued Registered
24 Nurse License Number RN 301574 to Bridget Lynn Tracy (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on March 31, 2011, unless renewed.

27 3. On or about June 19, 1984, the Board of Registered Nursing issued Nurse Anesthetist
28 License Number NA 675 to Bridget Lynn Tracy (Respondent). The Nurse Anesthetist License

1 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 March 31, 2011, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. Code section 2750 provides, in pertinent part, that the Board may discipline any
8 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
9 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license.

13 7. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
18 functions.

19 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
20 functions, and duties of a registered nurse, in which event the record of the conviction shall be
21 conclusive evidence thereof...."

22 8. Section 2762 of the Code states:

23 "In addition to other acts constituting unprofessional conduct within the meaning of this
24 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
25 chapter to do any of the following:

26 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
27 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
28 administer to another, any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
2 defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
4 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
5 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
6 himself or herself, any other person, or the public or to the extent that such use impairs his or her
7 ability to conduct with safety to the public the practice authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
9 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
10 or the possession of, or falsification of a record pertaining to, the substances described in
11 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
12 thereof.

13 9. Section 490 states:

14 "A board may suspend or revoke a license on the ground that the licensee has been
15 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
16 of the business or profession for which the license was issued. A conviction within the meaning
17 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
18 contendere. Any action which a board is permitted to take following the establishment of a
19 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
20 been affirmed on appeal, or when an order granting probation is made suspending the imposition
21 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
22 Code."

23 10. California Code of Regulations, title 16, section 1443, states:

24 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
25 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
26 exercised by a competent registered nurse as described in Section 1443.5."

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1 11. California Code of Regulations, title 16, section 1443.5 states:

2 "A registered nurse shall be considered to be competent when he/she consistently
3 demonstrates the ability to transfer scientific knowledge from social, biological and physical
4 sciences in applying the nursing process, as follows:

5 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
6 and behavior, and through interpretation of information obtained from the client and others,
7 including the health team.

8 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
9 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
10 for disease prevention and restorative measures.

11 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
12 treatment to the client and family and teaches the client and family how to care for the client's
13 health needs.

14 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
15 subordinates and on the preparation and capability needed in the tasks to be delegated, and
16 effectively supervises nursing care being given by subordinates.

17 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
18 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
19 communication with the client and health team members, and modifies the plan as needed.

20 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
21 health care or to change decisions or activities which are against the interests or wishes of the
22 client, and by giving the client the opportunity to make informed decisions about health care
23 before it is provided."

24 12. Section 125.3 of the Code provides, in pertinent part, that the
25 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
26 have committed a violation or violations of the licensing act to pay a sum not to exceed the
27 reasonable costs of the investigation and enforcement of the case.

1 **DRUG DEFINITIONS**

2 13. **Fentanyl** – is a Schedule II controlled substance as designated by Health and Safety
3 Code section 11055. It is a narcotic analgesic used for the relief of severe pain.

4 14. **Morphine Sulfate** - is a Schedule II controlled substance pursuant to Health and
5 Safety Code section 11055. It is a narcotic used for chronic pain such as cancer for continuous
6 pain relief.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Convictions of Substantially Related Crimes)**

9 15. Respondent is subject to disciplinary action under Sections 490 and 2761, subdivision
10 (f), on the grounds that Respondent was convicted of crimes substantially related to the
11 qualifications, functions, or duties of a nurse anesthetist, as follows:

12 16. On or about June 27, 2005, in a criminal proceeding entitled *The People of the State*
13 *of California v. Bridget Lynn Tracy* in Orange County Superior Court, Case No. 05HM03548,
14 Respondent was convicted on a plea of nolo contendere for violating Vehicle Code section
15 23152(b) (driving a vehicle while having a greater than .08% blood alcohol content), a
16 misdemeanor. The court ordered Respondent to probation, fines, and attend a First Offender
17 Alcohol Program.

18 The circumstances of the conviction are that on or about April 3, 2005, Newport
19 Beach Police Department helicopter pilots observed Respondent's vehicle overhead straddling
20 traffic lanes. Respondent's vehicle was then observed turning into an open garage at her home.
21 Newport Beach Police Officer Thomas arrived at the address and observed Respondent to be
22 extremely unsteady on her feet.

23 Officer Thomas observed an open bottle of champagne on the rear floorboard directly
24 behind the driver's seat. Officer Thomas saw that a small quantity of alcohol was spilling out the
25 bottle and onto the floor. Respondent failed the Field Sobriety Test. Respondent performed a
26 breath test, which resulted in a .13 Blood Alcohol Content.

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1 cabinet within the operating room. One box was locked in the cabinet on January 22, 2008 and
2 the second box was locked in the cabinet on January 23, 2008. Respondent stated she placed the
3 sign out sheets inside the cabinets. A search of the cabinets was performed on January 25, 2008.
4 The missing Fentanyl and sign out sheets were not found. Respondent denied knowing what
5 happened to the two boxes of Fentanyl. It is the practice of anesthesia providers to place all
6 narcotics in their locked anesthesia carts. All anesthesia carts, with the exception of
7 Respondent's were found to have loose caps covering the Fentanyl vials with apparent puncture
8 marks on the rubber stoppers.

9 F. In addition to the missing Fentanyl, eight vials of Morphine Sulfate were found to have
10 loose caps and apparent puncture marks on their rubber stoppers. The apparently tampered
11 Morphine Sulfate vials were found in a locked anesthesia cart in the outpatient surgical pavilion.
12 The lot number on the Morphine vials found matched the Morphine sign out sheet on
13 Respondent's anesthesia cart. The Morphine Lot numbers contained within Respondent's
14 anesthesia cart showed no signs of tampering; however, the narcotic record lot number matched
15 the tampered Morphine found in the outpatient surgical pavilion. The physical count was found
16 to be correct on both Morphine records.

17 G. Respondent was unable to explain why the narcotic sign out sheets did not match the lot
18 numbers on the medications contained within her cart.

19 H. All operating room personnel with access to narcotics were immediately drug tested on
20 January 25, 2008 as a result of the narcotic discrepancies. All drug test results were negative for
21 Fentanyl or Opiates. Respondent's drug test result returned on January 31, 2008 with a notation,
22 'specimen temperature not consistent with normal human urine-temperature not within range.'
23 Ridgecrest Regional Hospital terminated Respondent's staffing arrangement due to her failure to
24 keep control and accountability of narcotics.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **RIDGECREST REGIONAL HOSPITAL**

3 **(Unprofessional Conduct / Gross Negligence / Incompetence)**

4 18. Respondent is subject to disciplinary action under sections 2761(a)(1), in conjunction
5 with California Code of Regulations, title 16, sections 1442, 1443, and 1443.5, in that Respondent
6 committed acts of unprofessional conduct, and / or was grossly negligent by diverting pain
7 medications, working while under the influence, and was an impaired provider and could not
8 adequately care for patients. Respondent was incompetent by failing to exercise that degree of
9 learning, skill, care and experience ordinarily possessed and exercised by a competent registered
10 nurse. Complainant refers to and by this reference incorporates the allegations set forth above in
11 paragraph 17, as though set forth fully.

12 **DISCIPLINE CONSIDERATIONS**

13 19. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges as follows:

15 **Prior Discipline – 1985** - On or about December 23, 1985, the Board revoked
16 Respondent's registered nurse license pursuant to a Stipulation, Decision and Order in In the
17 Matter of the Accusation Against Bridget Lynn Tracy, Case no.: 85-102. The revocation was
18 stayed and Respondent was placed on three years probation.

19 **Prior Discipline – 1988** – On or about January 28, 1988 an Accusation and Petition to
20 Vacate Stay; Case Number 88-67 was filed against Respondent based on similar acts. On or
21 about March 28, 1985, she was convicted on her plea of guilty in Orange County Superior Court;
22 case number C-55632, entitled *The People of the State of California v. Bridget Lynn Tracy* to
23 three counts of violation of Penal Code section 459 (burglary). The circumstances surrounding
24 the conviction are that Respondent obtained from various hospitals by fraud drugs including
25 Demerol and morphine, by prying open locked drug cabinets with a screwdriver and taking the
26 drugs for her own personal use.

27 On or about March 5, 1987, Respondent was to prepare 4 syringes each to contain 20 cc of
28 Fentanyl. In truth and in fact, Respondent had prepared two of the four syringes with saline

1 solution, one syringe had only a trace of Fentanyl in it, and the unused syringe contained
2 Fentanyl. Complainant further alleges that a urine sample from Respondent taken at the time of
3 said incident showed Respondent tested positive for Demerol. Thus, Respondent was under the
4 influence of Demerol while on duty as a nurse anesthetist. Respondent subjected her license to
5 discipline under Business and Professions Code section 2761(a) on the grounds of unprofessional
6 conduct as defined in section 2762(b).

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number RN 301574, issued to
11 Bridget Lynn Tracy;
- 12 2. Revoking or suspending Nurse Anesthetist License Number NA 675, issued to
13 Bridget Lynn Tracy;
- 14 3. Ordering Bridget Lynn Tracy to pay the Board of Registered Nursing the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;
- 17 4. Taking such other and further action as deemed necessary and proper.
- 18
19

20 DATED: 2/22/10

21 *Louise R. Bailey*
22 LOUISE R. BAILEY, M.ED., RN
23 Interim Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 SHARON F. DERKUM, R.N.,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 500
4 Los Angeles, California 90013
Telephone: (213) 897-2533
5
6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the ACCUSATION) NO. 88-67
11 Against:)
12 BRIDGET LYNN TRACY, R.N.) L-44459
800 Via Las Palmas)
13 Palm Springs, CA 92262) STIPULATED SETTLEMENT
AND
14 Registered Nurse and Nurse) DISCIPLINARY ORDER
Anesthetist Licenses No. B 301574 &)
15 675,)
16 Respondent)

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the
19 parties to the above-entitled proceedings that the following
20 matters are true:

21 1. An ACCUSATION, case number 88-67, is currently
22 pending against Bridget Lynn Tracy, R.N. (hereinafter the
23 "respondent"), said ACCUSATION having been filed with the Board
24 on 1/28/88.

25 2. The ACCUSATION, together with all other
26 statutorily required documents, was duly served on the respondent
27 and respondent timely filed her Notice of Defense contesting the

1 ACCUSATION. A copy of ACCUSATION No. 88-67 is attached as
2 Attachment "A" and hereby incorporated by reference as if fully
3 set forth.

4 3. The complainant, Catherine M. Puri, R.N., Ph.D., is
5 the Executive Officer of the Board of Registered Nursing
6 (hereinafter the "Board") and brought this action solely in her
7 official capacity.

8 4. At all times relevant herein, respondent has been
9 licensed by the Board of Registered Nursing under Registered
10 Nurse and Nurse Anesthetist Licenses No. B 301574 & 675.

11 5. The respondent has retained Linda M. Leavitt, Esq.
12 to act as her legal counsel in this matter.

13 6. The respondent and her attorney have fully
14 discussed the charges contained in ACCUSATION number 88-67, and
15 the respondent has been fully advised regarding her legal rights
16 and the effects of this stipulation.

17 7. Respondent understands the nature of the charges
18 alleged in the ACCUSATION as constituting causes for imposing
19 discipline upon her Registered Nurse and Nurse Anesthetist
20 Licenses. Respondent is fully aware of her right to a hearing on
21 the charges contained in said ACCUSATION, her right to confront
22 and cross-examine witnesses against her, her right to
23 reconsideration, appeal and any and all other rights which may be
24 accorded her under the California Administrative Procedure Act
25 and, with this in mind, freely, voluntarily and irrevocably
26 waives and give up such rights.

27 8. Respondent admits the truth of each and every

1 allegation of the ACCUSATION No. 88-67, and agrees that
2 respondent has thereby subjected her license to disciplinary
3 action. Respondent agrees to be bound by the Board's
4 Disciplinary Order as set out below.

5 9. In consideration of the foregoing admissions and
6 findings, the parties stipulate and agree that the Board shall,
7 without further notice or formal proceeding, issue and enter the
8 following order:

9 DISCIPLINARY ORDER

10 IT IS HEREBY ORDERED that Registered Nurse License No.
11 B 301574 issued to Bridget Lynn Tracy, R.N. is revoked. However,
12 said revocation is stayed and respondent is placed on probation
13 for 3 years. In addition, Respondent will voluntarily surrender
14 Nurse Anesthetist License No. 675 no later than 10 days before
15 the effective date of the decision and order of the Board. The
16 respondent is placed on probation on the following terms and
17 conditions:

18 OBEY ALL LAWS

19 10. Respondent shall obey all federal, state, and
20 local laws, and all rules, and regulations of the Board of
21 Registered Nursing governing the practice of nursing in
22 California. A full and detailed account of any and all
23 violations of law shall be reported by the respondent to the
24 Board in writing within seventy-two (72) hours of occurrence.

25 COMPLY WITH PROBATION PROGRAM

26 11. Respondent shall fully comply with the terms and
27 conditions of the Probation Program established by the Board and

1 cooperate with representatives of the Board in its monitoring and
2 investigation of the respondent's compliance with the Program.

3 REPORT IN PERSON

4 12. Respondent, during the period of probation, shall
5 appear in person at interviews/meetings as directed by the Board
6 or its designated representatives.

7 ABSENCE FROM STATE

8 13. Periods of residency or practice outside of
9 California will not apply to the reduction of this probationary
10 term. The respondent must provide written notice to the Board
11 within 15 days of any change of residency or practice outside the
12 state.

13 SUBMIT WRITTEN REPORTS

14 14. Respondent, during the period of probation, shall
15 submit such written reports/declarations and verification of
16 actions under penalty of perjury as are required. These
17 declarations shall contain statements relative to respondent's
18 compliance with all the terms and conditions of the Board's
19 Probation Program. Respondent shall immediately execute all
20 release of information forms as may be required by the Board or
21 its representatives.

22 FUNCTION AS A REGISTERED NURSE

23 15. Respondent, during the period of probation, shall
24 engage in the practice of professional nursing in California for
25 a minimum of 24 hours per week for six consecutive months. Per
26 Section 2732 of the Business and Professions Code, no person
27 shall engage in the practice of registered nursing without

1 holding a license which is in an active status.

2 NURSING PRACTICE

3 16. The Board shall be informed of and approve of each
4 agency for which the respondent provides nursing services prior
5 to respondent's commencement of work. The respondent shall
6 inform her employer of the reason for and the terms and
7 conditions of probation and shall provide a copy of the Board's
8 decision and order to her employer and immediate supervisor. The
9 employer shall submit performance evaluations and other reports
10 as requested by the Board. Respondent is also required to notify
11 the Board in writing within seventy-two (72) hours after
12 termination of any nursing employment. Any notification of
13 termination shall contain a full explanation of the circumstances
14 surrounding it.

15 SUPERVISION

16 17. The Board shall be informed of and approve of the
17 level of supervision provided to the respondent while she is
18 functioning as a Registered Nurse. The appropriate level of
19 supervision must be approved by the Board prior to commencement
20 of work. Respondent shall practice only under the direct
21 supervision of a registered nurse in good standing (no current
22 discipline) with the Board of Registered Nursing.

23 EMPLOYMENT LIMITATIONS

24 18. Respondent may not work for a nurse registry;
25 temporary nurse agency; home care agency; in-house nursing pool;
26 as a nursing supervisor; as a faculty member in an approved
27 school of nursing; or as an instructor in a Board approved

1 continuing education program. Respondent must work only on
2 regularly assigned, identified and predetermined worksite(s) with
3 appropriate supervision as approved by the Board.

4 COMPLETE A NURSING COURSE

5 19. Respondent at her expense, shall begin and
6 successfully complete a course(s) in nursing as directed by the
7 Board prior to engaging in the practice of nursing and prior to
8 the end of the probationary term.

9 The respondent may be suspended from practicing nursing
10 until the necessary coursework is completed. The content of such
11 course(s) and the place and conditions of instructions shall be
12 specified by Board representatives at the time of the initial
13 probation meeting based on the nature of the violation(s).
14 Specific courses must be approved prior to enrollment. The
15 respondent must submit written proof of enrollment and proof of
16 successful completion. Transcripts or certificates of completion
17 must be mailed directly to the Board by the agency or entity
18 instructing the respondent.

19 Home study or correspondence courses are not acceptable
20 and will not be approved.

21 PHYSICAL EXAMINATION

22 20. Respondent, at her expense, within 45 days of the
23 effective date of this decision, shall have a licensed physician
24 submit, in a format acceptable to the Board, an assessment of the
25 respondent's physical condition and capability to perform the
26 duties of a professional Registered Nurse. If medically
27 determined, a recommended treatment program will be instituted

1 and followed by the respondent with the physician providing
2 written reports to the Board on forms provided by the Board.

3 PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE

4 21. Respondent, at her expense, shall successfully
5 complete or shall have completed successfully a
6 treatment/rehabilitation program of at least six months duration
7 of which the Board approves. Reports shall be submitted by the
8 program on forms provided by the Board. If respondent has not
9 completed a treatment program prior to commencement of probation,
10 the respondent, within a reasonable period of time as determined
11 by the Board (but not exceeding 45 days from the effective date
12 of the decision) shall be enrolled in a treatment program. If a
13 treatment program is not successfully completed within the first
14 nine months of probation,, the Board will consider the respondent
15 to be in violation of probation and will initiate further
16 disciplinary action against the respondent's license. In
17 addition, respondent must attend two 12-step recovery meetings
18 per week (e.g. Narcotics Anonymous, Alcoholic Anonymous, etc.) and
19 a nurse support group as directed by the Board. If a nurse
20 support group is not available, an additional 12-step meeting
21 must be added. Respondent must submit dated and signed
22 documentation confirming such attendance to the Board during the
23 entire period of probation.

24 ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS

25 22. Respondent shall completely abstain from the
26 possession, injection or consumption by any route of all
27 psychotropic (mood-altering) drugs, including alcohol, except

1 when the same are lawfully prescribed by a licensed physician or
2 dentist as part of documented medical treatment. Respondent
3 shall have sent to the Board, in writing and within fourteen (14)
4 days, by the prescribing physician or dentist, a report
5 identifying the medication, dosage, the date the medication was
6 prescribed, the respondent's prognosis, and the date the
7 medication will no longer be required.

8 SUBMIT TO TESTS AND SAMPLES

9 23. Respondent, at her expense, shall participate in a
10 random, biological fluid testing or a drug screening program
11 which the Board approves. The length of time and frequency will
12 be subject to approval by the Board. The respondent is
13 responsible for ensuring that reports are submitted directly by
14 the testing agency to the Board, as directed. Any confirmed
15 positive finding shall be reported immediately to the Board by
16 the program and the respondent will be considered in violation of
17 probation.

18 In addition, respondent, at any time during the period
19 of probation shall fully cooperate with the Board or any of its
20 representatives, and shall, when requested, submit to such tests
21 and samples as the Board or its representatives may require for
22 the detection of alcohol, narcotics, hypnotics, dangerous drugs,
23 or other controlled substances.

24 MENTAL HEALTH EXAMINATION

25 24. The respondent shall, within 45 days of the
26 effective date of this decision, have a mental health examination
27 including psychological testing as appropriate to determine her

1 capability to perform the duties of a registered nurse. The
2 examination will be performed by a psychiatrist, psychologist or
3 other licensed mental health practitioner approved by the Board.
4 The examining mental health practitioner will submit a written
5 report of that assessment and recommendations to the Board. All
6 costs are the responsibility of the respondent. Recommendations
7 for treatment, therapy or counseling made as a result of the
8 mental health examination will be instituted and followed by the
9 respondent.

10 THERAPY OR COUNSELING PROGRAM

11 25. Respondent, at her expense, shall participate in
12 an on-going counselling program until such time as the Board
13 releases her from this requirement and only upon the
14 recommendation of the counselor. Written progress reports from
15 the counselor will be required at various intervals.

16 RESTITUTION

17 26. Respondent shall provide restitution to The Board
18 of Registered Nursing in the amount of \$2500.00 prior to the
19 completion of the third year of probation. Payments shall be
20 made quarterly, and in equal amounts, during this time period.
21 Failure to pay this restitution shall be deemed unprofessional
22 conduct, and a violation of probation.

23 27. If a respondent violates the conditions of her
24 probation, the Board after giving the respondent notice and an
25 opportunity to be heard, may set aside the stay order and impose
26 the discipline (revocation) of the respondent's license.

27 28. In the event respondent complies with all the

1 terms and conditions of probation as set forth hereinabove, upon
2 the expiration of the above-described period of probation, the
3 stay of revocation of respondent's license to practice registered
4 nursing shall become permanent and respondent's license shall be
5 fully restored.

6 29. This stipulation in settlement shall be subject to
7 the approval of the Board of Registered Nursing. If the Board
8 fails to approve this stipulation in settlement, it shall be of
9 no force or effect for either party.

10 CONTINGENCY

11 This stipulation shall be subject to the approval of
12 the Board. If the Board fails to adopt this stipulation as its
13 Order, the stipulation shall be of no force or effect for either
14 party, nor shall it be mentioned or referred to in any legal
15 action between the parties.

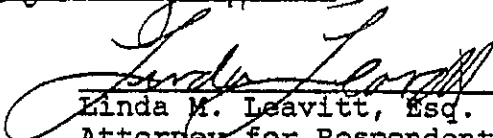
16 ACCEPTANCE

17 I have read the above Stipulation and Disciplinary
18 Order, understand their terms, and agree to be bound thereby.

19 DATED: 2/23/93.

20 
21 BRIDGET LYNN TRACY, R.N.
22 Respondent

23 DATED: February 19, 1993

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25 Linda M. Leavitt, Esq.
26 Attorney for Respondent
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ENDORSEMENT

The attached stipulation is hereby respectfully
submitted for the consideration of the Board.

DATED: March 18, 1993.

DANIEL E. LUNGREN, Attorney General
of the State of California

Sharon F. Derkum, R.N.
SHARON F. DERKUM, R.N.,
Deputy Attorney General

Attorneys for Complainant

DATED: June 28, 1993.

Catherine M. Puri, R.N., Ph.D.
Catherine M. Puri, R.N., Ph.D.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

1 DECISION AND ORDER
2 OF THE BOARD

3 The foregoing Stipulation and Order, in case number
4 88-67, is hereby adopted as the Order of the California Board of
5 Registered Nursing.

6 An effective date of July 19, 1993, has been assigned to this
7 Decision and Order.

8 Made this 28th day of June, 1993.

9
10 /s/ Harriett W. Clark, Esq.
11 FOR THE BOARD

12 Attachment: ACCUSATION
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1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 BARRY D. COLTON,
Deputy Attorney General
3 3580 Wilshire Boulevard
Los Angeles, California 90010
4 Telephone: (213) 736-2076

5 Attorneys for Complainant

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7
8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 Against:

NO. 88-67

13 BRIDGET LYNN TRACY
800 Via Las Palmas
Palm Springs, CA 92262
14 Registered Nurse
License No. B 301574
15 Nurse Anesthetist
License No. 675,

ACCUSATION AND
PETITION TO VACATE STAY

16 Respondent.
17

18 Catherine M. Puri, R.N., Ph.D., for causes for
19 discipline and to vacate the stay, alleges:

20 1. Complainant Catherine M. Puri, R.N., Ph.D., makes
21 and files this accusation and petition to vacate stay in her
22 official capacity as Executive Officer, Board of Registered
23 Nursing, Department of Consumer Affairs.

24 2. On March 31, 1979, the Board of Registered Nursing
25 issued registered nurse license number B 301574 and nurse
26 anesthetist license number 675 to Bridget Lynn Tracy. On
27 December 23, 1985, the Board of Registered Nursing revoked

1 respondent's license. The revocation was stayed and respondent
2 was placed on three years probation. The license will expire
3 March 31, 1989, unless renewed.

4 3. Under Business and Professions Code section 2750,
5 the Board of Registered Nursing may discipline any licensee,
6 including a licensee holding a temporary or an inactive license,
7 for any reason provided in Article 3 of the Nursing Practice
8 Act.

9 Under Business and Professions Code section 2764, the
10 expiration of a license shall not deprive the Board of
11 Registered Nursing of jurisdiction to proceed with a
12 disciplinary proceeding against the licensee or to render a
13 decision imposing discipline on the licensee.

14 4. "Drugs"

15 "Morphine," is a Schedule II controlled substance as
16 designated by Health and Safety Code section 11055(b)(1)(M).

17 "Demerol," a brand of meperidine hydrochloride, a
18 derivative of pethidine, is a Schedule II controlled substance
19 as designated by Health and Safety Code section 11055(c)(15).

20 5. Respondent has subjected her licenses to discipline
21 under Business and Professions Code section 2761(a) on the
22 grounds of unprofessional conduct as defined in section 2762(a)
23 of that code in that in or about August, September, and October
24 1984, while a licensed registered nurse, she did the following:

25 A. Obtained from various hospitals by fraud, deceit,
26 misrepresentation and subterfuge in violation of Health
27 and Safety Code section 11173(a), demerol and morphine,

1 controlled substances, by prying open locked drug cabinets
2 with a screwdriver and taking the drugs for her own
3 personal use.

4 B. Possessed an unknown quantity of demerol and
5 morphine, controlled substances, in violation of Business
6 and Professions Code 4230 in that she had no prescription
7 therefor.

8 C. Self-administered an unknown quantity of demerol
9 and morphine, controlled substances, without legal
10 direction from a licensed physician and surgeon, dentist,
11 or podiatrist.

12 6. Respondent has subjected her license to discipline
13 under Business and Professions Code section 2761(f) in that on
14 March 28, 1985, she was convicted on her plea of guilty in
15 Orange County Superior Court case number C-55632, entitled
16 "People v. Bridgett Lynn Tracy" to three counts of violation of
17 Penal Code section 459 (burglary), a crime substantially related
18 to the qualifications, functions and duties of a registered
19 nurse.

20 7. Respondent has subjected her license to discipline
21 under Business and Professions Code section 2761(a) on the
22 grounds of unprofessional conduct by reasons of the facts
23 stated in the above paragraphs.

24 8. Respondent has subjected her licenses to discipline
25 under Business and Professions Code section 2761(a) on the
26 grounds of unprofessional conduct as defined in section
27 2761(a)(1) of that code, as follows:

1 A. On or about March 5, 1987, respondent while
2 employed as a registered nurse at West Los Angeles
3 Veterans Administration Center, West Los Angeles, in
4 preparation for an open heart surgery drew up four
5 syringes each to contain 20 cc of Fentanyl. The patient
6 was administered three of these syringes without effect.

7 B. In truth and in fact, respondent had prepared two
8 of the four syringes with saline solution, one syringe had
9 only a trace of Fentanyl in it, and the unused syringe
10 contained Fentanyl.

11 C. Said conduct by the respondent includes
12 incompetence or gross negligence by the respondent in
13 carrying out usual nurse anesthetist functions.

14 9. Respondent has subjected her license to discipline
15 under Business and Professions Code section 2761(a) on the
16 grounds of unprofessional conduct as defined in section 2762(b)
17 of that code, as more specifically alleged as follows:

18 A. Realleging herewith the allegations of paragraph
19 8 including all subparts thereof, as though set forth in
20 full at this place, complainant further alleges that a
21 urine sample from respondent taken at the time of said
22 incident tested positive for demerol, a controlled
23 substance or dangerous drug to an extent or in a manner
24 dangerous to herself or other and to the extent that said
25 use impaired her ability to conduct with safety to the
26 public the practice of a nurse anesthetist.

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PETITION TO VACATE STAY

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2 1. The allegations of paragraphs 1 through 9 are
3 incorporated herein by reference and are realleged as if fully
4 set forth.

5 2. On December 23, 1985, the Board of Registered
6 Nursing revoked respondent's registered nurse license pursuant
7 to a Stipulation, Decision and Order in In the Matter of the
8 Accusation Against Bridget Lynn Tracy, No. 85-102. The
9 revocation was stayed and respondent has placed on three years
10 probation. Three conditions of her probation being: (1) Fully
11 and completely comply with the Probation Program established by
12 the board, and cooperate with representatives of the board;
13 (2) Fully cooperate with the Board of Registered Nursing or any
14 of its agents or employees, in their supervision and
15 investigation of compliance with the terms and conditions of
16 probation, and shall, when requested, submit to such tests and
17 samples as the board and its agents or employees may require for
18 the detection of alcohol, narcotic, hypnotic, dangerous drugs
19 or controlled substances; and (3) Respondent shall completely
20 abstain from the personal use of narcotics, hypnotic,
21 controlled substances or dangerous drugs in any form except when
22 a bona fide patient of a licensed physician and when the same
23 are lawfully prescribed.

24 3. Grounds exist for vacating the stay heretofore
25 issued and reimposing the order of revocation of respondent's
26 registered nurse license in that she failed to comply with the
27 following terms of her probation:

1 A. She failed to cooperate with an investigation by
2 the board by not providing the requested release of
3 medical, psychiatric and personnel records sent to her.

4 B. She failed to cooperate with an investigation by
5 not responding to a letter sent to her on June 9, 1987, by
6 a board representative directing her to contact the
7 Division of Investigation at the Van Nuys Office for an
8 interview appointment.

9 C. On March 5, 1987, respondent was under the
10 influence of demerol while on duty as a nurse
11 anesthetist.

12 WHEREFORE, complainant prays a hearing be had and that
13 the Board of Registered Nursing make its order:

14 1. Revoking or suspending registered nurse license
15 number B 301574 and nurse anesthetist license number 675, issued
16 to Bridget Lynn Tracy.

17 2. Vacating the stay and reimposing the order of
18 revocation of registered nurse license B 301574 and nurse
19 anesthetist license number 675, issued to Bridget Lynn Tracy.

20 3. Taking such other and further action as may be
21 deemed appropriate.

22 DATED: 1/28/88

23
24 Catherine M. Puri
25 CATHERINE M. PURI, R.N., Ph.D.
26 Executive Officer
27 Board of Registered Nursing
Department of Consumer Affairs
State of California
State of California

25 03579110-
26 LA87AD1918
27 BDC:eyg
a:@tracy.bdc